



# UNITED STATES PATENT AND TRADEMARK OFFICE

CR  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,174	09/08/2000	Hiroki Ogata	SCEI 3.0-029	3464

7590 05/27/2003

Lerner David Littenberg Krumholz & Mentlik LLP  
600 South Avenue West  
Westfield, NJ 07090

[REDACTED] EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 05/27/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No.	Applicant(s)
	09/658,174	OGATA ET AL.
Examiner	Art Unit	
Corbett B. Coburn	3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-15 and 17-42.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). \_\_\_\_\_.

10.  Other: See attached

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 5 May 2003 have been fully considered but they are not persuasive.
2. Applicant argues that DeVolpi fails to teach a level-segmenting unit or an output unit for segmenting the output of the analog signal. DeVolpi teaches an analog-to-digital converter. An analog-to-digital converter is a level-segmenting unit or an output unit for segmenting the output of the analog signal. An A/D converter segments voltage levels and outputs the results. The following table might represent the input and output from an A/D converter:

Voltage level of analog input signal	Digital output signal
<1 volt	0
1 volt or greater, but less than 2 volts	1
2 volts or greater	2

Clearly, the A/D converter segments the voltage levels. Furthermore, the A/D converter is an output unit for segmenting the output of the analog signal.

Applicant's argument that the claims require a separate device that segments the voltage level is beyond the scope of the claims. However, Examiner will point out that this function must be performed as part of the functioning of the A/D converter. Whether it is performed in a separate box or in the same box as the A/D converter appears to be immaterial – Applicant has certainly not disclosed any evidence that a stated problem is solved, or unexpected result obtained, by separating this necessary function from the A/D converter.

3. Applicant as asked for a reference that explains how a A/D converter works. While a request for a reference explaining the function of a well-known piece of equipment (that is obviously well known to the Applicant) does not further prosecution, Examiner will comply with

Art Unit: 3714

this request. Applicant is referred to

[http://whatis.techtarget.com/definition/0,,sid9\\_gci213760,00.html](http://whatis.techtarget.com/definition/0,,sid9_gci213760,00.html). This basic definition states,

“Analog-to-digital conversion is an electronic process in which a **continuously variable** (analog) signal is changed, without altering its essential content, into a **multi-level** (digital) signal.” (Emphasis added.) Clearly, an ADC segments the input signal into different levels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

  
cbc  
May 20, 2003

  
JESSICA HARRISON  
PRIMARY EXAMINER